

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CEASAR R. BANKS,

Plaintiff,

v.

CAPTAIN KARTMAN,
LIEUTENANT R. SKIME,
K. SOLOMON, CAPTAIN HASELBERG
and JANE DOE,

Defendants.

ORDER

09-cv-98-bbc

Plaintiff Cesar R. Banks is proceeding on his Fourteenth Amendment procedural due process and equal protection claims against defendants. Defendants moved to compel plaintiff to sign an authorization for release of medical information. Plaintiff has now responded to the motion.

In their motion to compel, defendants contend that they are entitled to obtain his medical records concerning the stabbing incident in which he was involved as well as past records to see how he has used the prison medical system in the past. They also argue that they are entitled access to his mental health records for information concerning any evidence of emotional injury. In his response, plaintiff argues that he provided defendant with the only relevant medical record and that there are no other records relevant to the case.

After examining the authorization form, I find that it is overbroad and would obtain medical information not relevant to the procedural due process and equal protection claims in this case. Therefore, I will deny defendants' motion to compel plaintiff to sign this release form.

I suggest that the parties try and work together, as plaintiff suggests to determine which medical records are relevant. Defendants may also draft a more narrow release of information for plaintiff to sign. The court will not force plaintiff to sign any medical release, but if plaintiff is unwilling to consent to the use of the relevant medical records, then this decision will likely result in the dismissal of claims relating to emotional injury.

ORDER

IT IS ORDERED that defendants' motion to compel plaintiff to sign authorization for release of medical information form, dkt. #106, is DENIED,

Entered this 6th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge